

Claims 13-23, 27-30 and 32-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Collins, Jr. '947 in view of Gogulski. This rejection is respectfully traversed.

Collins, Jr. '947

Collins, Jr. '947 was discussed in the previous response. Collins, Jr. '947 is directed to a check-out system including a portion scanning terminal which is removably mounted on handles of adjacent grocery carts. A check-out operator will mount the portable scanning terminal on the handles in such a manner to allow the operator or customer to check-out the merchandise located in one of the grocery carts.

As recognized by the Examiner, Collins, Jr. '947 fails to teach or suggest a commodity code reading section, a prepaid card inputting processing section, a commodity price retrieval section and a data updating section are permanently attached to a transportable accommodation section, as recited by claims 13 to 21; nor a commodity code reading section, a magnetic card reading section and commodity price retrieval section permanently attached to the transportable accommodation section as recited by claims 22 and 23. Similarly, because the portable check-out system of Collins, Jr. '947 necessitates the use of a check-out operator, Collins, Jr. '947 fails to teach or suggest the method recited by claims 27-30 and 32-34 in which a consumer performs a step of "paying for the first commodity at the first section site [at which the first commodity was selected] as a function of the first commodity code read in step (b), using a payment processor attached to transportable container"; nor the method recited by claims 35 and 36 in which a customer performs the step of "paying for all commodities selected in step (a) using the computer section permanently attached to the transportable container."

Gogulski

Gogulski teaches a mobile automated shopping system including a scanner, a control unit, and a display mounted on a shopping cart. As the shopper proceeds down aisles of the store, the shopper selects an item off the shelf and scans the line-encoded data imprinted on the item. The price of that item appears on the display unit along with the item's unit price and identification. A second stationary scanner is utilized to enter the price total on the customer's receipt. After using the second scanner, the customer places the item into the shopping cart and the weight of that item is sensed by a weight sensing device located on the bottom of the cart. If the weight of the item is the same as the weight data stored within the central computer for that item, the item will be accepted.

However, Gogulski fails to teach or suggest the ability to *purchase* the item with the system attached to the cart. In particular, a check-out station is still required. Figure 4 illustrates a check-out station where a copy of a tape, recording each item to be purchased, is utilized to purchase the items. The total of the tape is entered and payment is made by cash or charge card by the customer *at the check-out station*.

Thus, neither Collins, Jr. '947 nor Gogulski teach or suggest a prepaid card inputting processing section permanently fixed to a transportable accommodation section as recited by claims 13-21, nor a magnetic card reading section permanently fixed to a transportable accommodation section by required by claims 22 and 23. Also, the references fail to teach or suggest a step of a consumer paying for a commodity at its selection site using a payment processor attached a transportable container as recited by claims 27-30 and 32-34, nor paying for commodities selected using a computer section permanently attached to a transportable

container, as recited by claims 35 and 36. In view of the above, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

Claims 24-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Collins, Jr. '947 in view of Gogulski and Ehrat. This rejection is respectfully traversed. Ehrat is merely used to show elements of a purchasing trolley 2. However, Ehrat fails to correct the deficiencies noted above with respect to Collins, Jr. '947 and Gogulski. Figure 13 of Ehrat illustrates a check-out station 4 separate from the purchasing trolley 2. The check-out station 4 allows the customer to pay for the articles collected in the trolley 2. Thus, Ehrat also fails to teach or suggest the ability to purchase items with a system attached to the cart.

In view of the above, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

Claim 31 is rejected under 35 U.S.C. §103(a) as being unpatentable over Collins, Jr. '947 in view Gogulski and Hehemann. This rejection is respectfully traversed.

The Examiner merely utilizes Hehemann to show a hand carried basket. However, Hehemann fails to correct the deficiencies noted above with respect to Collins, Jr. 947, Gogulski and Ehrat; the prior art fails to teach or suggest the step of the consumer paying for a commodity at the selection site of the commodity, as recited by claim 31. In view of the above, it is respectfully requested that the Examiner reconsider and withdraw this rejection.

If for any reason the Examiner believes that the application is not now in condition for allowance, the Examiner is invited to contact the undersigned at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that any additional fees are due in connection with this paper, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI,
MCLELAND & NAUGHTON



Patrick D. Muir
Reg. No. 37,403

Attorney Docket No. 940494B
Suite 1000, 1725 K Street
Washington, D.C. 20006
Tel: (202) 659-2930
Fax: (202) 887-0357
PDM:ns
Attachments: Petition for Extension of Time w/Fee